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OFFICE OF PETITIONS

In re Application of
Young-Chan Kim et al.
Application No. 10/654,618
Filed: September 4, 2003
Attorney Docket No: 1293.1851

ON PETITION

This is a decision on the petition to withdraw the holding of abandonment, filed February 8, 2011, under 37 CFR 1.181, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition is **GRANTED**.

This application became abandoned December 27, 2010, for failure to pay the issue fee on or before December 23, 2010 as was required by the Notice of Allowance mailed September 23, 2010. Accordingly, a Notice of Abandonment was mailed January 10, 2011.

While the file record discloses that the Notice of Allowance was sent to what was believed to be the email address of record, the same email address to which the Notice of Abandonment was sent and received, petitioner contends that it was not received. In support, petitioner indicates that a search of the file jacket and docket records revealed that the Notice was not received and submits copies of incoming docket report and records from the master docketing system, wherein receipt of the Notice would have been entered, had it been received, to substantiate the claim. The statement and attachments corroborate non-receipt of the Notice of Allowance.

In view of the facts set forth in the petition, it is concluded that the Notice of Allowance was never received. Accordingly, the holding of abandonment is withdrawn. No petition fee is due and none has been charged.

This matter is being referred to Technology Center 2629 for a re-mailing of the Notice of Allowance and Notice of Allowability.

Telephone inquiries concerning this matter should be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

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